

O I P E
AUG 01 2005

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
11080.7

In Re Application Of: Justin Douglas Marty, et al.

Application No. 10/665,320	Filing Date 09/30/2003	Examiner Tejash Patel	Customer No. 21999	Group Art Unit 3765	Confirmation No. 6240
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Title: SYSTEMS AND METHODS FOR TRANSFORMABLE SLEEVES

COMMISSIONER FOR PATENTS:

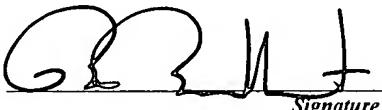
Transmitted herewith is:

Response with Terminal Disclaimer (4 pages); Check for \$65.00; and a Postcard

in the above identified application.

- No additional fee is required.
- A check in the amount of \$65.00 is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 50-0843 as described below.
 - Charge the amount of
 - Credit any overpayment.
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- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

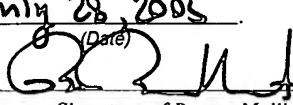

Signature

Dated: July 28, 2005

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on July 28, 2005.

cc:


Signature of Person Mailing Correspondence

Berne S. Broadbent

Typed or Printed Name of Person Mailing Correspondence



PATENT APPLICATION
Docket No. 11080.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE WITH TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response is filed in response to the Examiner's Office Action dated April 28, 2005.

Double Patenting Rejections

The Examiner has presented a double patenting rejection over patent No. 6,742,225 and provisional double patenting rejections over applications Nos. 10/638,990, 10/665,344, and 10/770,143. Accordingly, Applicant herewith files a Terminal Disclaimer, with the accompanying fee, to overcome these rejections. Applicant's filing of the Terminal Disclaimer should not be construed as acquiescence of the Examiner's double patenting or obviousness-type double patenting rejections.

Conclusion

If additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Julie Gheem, one of Applicant's attorneys of record, at (801) 323-5924.

DATED this 28th day of July, 2005.

Respectfully submitted,



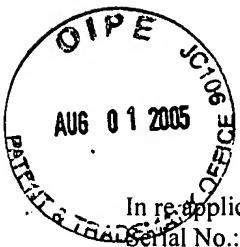
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Enclosures:

-Terminal Disclaimer, Transmittal, Check

JHG/DOCS-#794370-v1-Response_to_OA_of_2004-08-25.DOC



In re application of: Justin Douglas Marty et al.
Serial No.: 10/665,320
Filed: September 20, 2003
For: SYSTEMS AND METHODS FOR TRANSFORMABLE SLEEVES
Examiner: Tejash Patel
Art Unit: 3765
Docket No.: 11080.7

TERMINAL DISCLAIMER

I. Terminal disclaimer with respect to prior patent no. 6,742,225

The owner, Z Gear, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,742,225 (the "prior patent"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

II. Terminal disclaimer with respect to co-pending application no. 10/638,990

The owner, Z Gear, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending first application Number 10/638,990, filed on August 11, 2003 (the "first application"), of any patent granted on the pending first application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the first application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the first application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

III. Terminal disclaimer with respect to co-pending application no. 10/665,344

The owner, Z Gear, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second application Number 10/665,344, filed on September 20, 2003 (the "second application"), of any patent granted on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and

during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

IV. Terminal disclaimer with respect to co-pending application no. 10/770,143

The owner, Z Gear, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending third application Number 10/770,143, filed on January 31, 2004 (the "third application"), of any patent granted on the pending third application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the third application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the third application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

V. The fee under 37 CFR 1.20(d) for this Terminal Disclaimer is enclosed herewith.



Berne S. Broadbent
Attorney for Applicant